

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERWIT MARTINEZ,

No. C 07-03974 SBA (PR)

Plaintiff,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

v.

NURSE PRACTITIONER CONNIE,

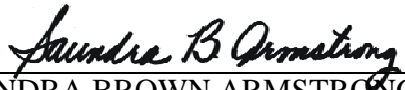
Defendant.

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. In an Order dated December 17, 2007, the Court informed him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Court ordered the Clerk of the Court to send Plaintiff a blank in forma pauperis application. The Court informed Plaintiff that he must pay the fee or return the completed application within thirty days or his action would be dismissed. More than thirty days have passed and Plaintiff has not paid the filing fee, returned the in forma pauperis application or otherwise communicated with the Court.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

DATED: 1/16/08


SAUNDRA BROWN ARMSTRONG
United States District Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

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6
7 ERWIT MARTINEZ,
8 Plaintiff,

Case Number: CV07-03974 SBA

CERTIFICATE OF SERVICE

9 v.

10 NURSE PRACTITIONER MS. CONNIE et al,
11 Defendant.
12 _____/

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on January 17, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
17 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19 Erwit Martinez BK#07006914
20 PFN DVN097
2047 Estate View Way
San Jose, CA 95748

21 Dated: January 17, 2008

22 Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk
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